United Nations CMW/C/HND/1

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Distr.: General
19 May 2016
English
Original: Spanish
English, French and Spanish only

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Consideration of reports submitted by States parties under article 73 of the Convention under the simplified reporting procedure

Initial reports of States parties due in 2006

Honduras*

[Date received: 28 April 2016]

* The present document is being issued without formal editing.

GE.16-08511 (E) 170616 210616

1608511

Please recycle

Contents

	Page
Introduction	3
Part I	3
General information	3
Information relating to each of the articles of the Convention	17
General principles	17
Part II of the Convention	17
Part III of the Convention	19
Part IV of the Convention	26
Part V of the Convention	28
Part VI of the Convention	31
Part II	36
Part III	37

Annexes*

1. Disaggregated data on beneficiaries of migrant worker programmes in Canada and Spain
2. Inter-agency cooperation agreement on the establishment of information exchange mechanisms regarding missing migrants and unidentified remains
3. Action taken under the Public Policy and National Plan of Action on Human Rights
4. 2014 Progress Report on the Implementation of the Public Policy and National Plan of Action on Human Rights in relation to Migrants' Rights
5. Report on internal displacement in Honduras
6. Types of contract for migrant workers in Honduras
7. Assistance provided by the Centres for the Care of Returned Migrants, March 2010-September 2015
8. Flowchart of support procedures for Cuban nationals, applicable to other nationalities. National Migration Institute
9. Remittances sent by migrant workers to Honduras and their contribution to GDP. Central Bank of Honduras
10. Political participation in the general elections between 2001 and 2013 by Honduran migrants in the United States of America. Supreme Electoral Court
11. Protocol on the Care, Repatriation, Reception and Follow-up of Child Migrants
12. Migration and Aliens Act, Decree No. 208-2003
13. Statistical Report on Persons Repatriated or Returned to Honduras, 2015. National Centre for Information on the Social Sector
14. Report of the National Centre for Information on the Social Sector. Comprehensive Index on Care for Returned and Repatriated Migrants

* The annexes are available in the files of the secretariat.

Introduction

1. Honduras ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by Decree No. 24-2005 of 15 March 2005, which was published in Official Gazette No. 30,722 of 14 June 2005.

2. According to data provided by the National Migration Institute, high levels of poverty and violence as well as family reunification have increased the emigration of Hondurans in the past five years, especially towards the United States of America. Most migrate in an irregular manner which puts them at risk of being detained in and deported from countries of transit or destination, chiefly Mexico and the United States. Over 26,000 Honduran migrants are held in migrant detention centres in the United States each year. In addition, deportation poses serious difficulties in terms of the care and reintegration of those deported to Honduras. In 2012 alone, the Mexican migration authorities returned 18,099 Honduran migrants. Most Honduran migrants are aged between 18 and 32 years.

3. The Government of Honduras submits the information contained herein in response to the list of issues prepared by the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, in accordance with article 73 (1) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and paragraph 16 of General Assembly resolution 68/268.

4. This report is the result of a multisectoral consultation process coordinated by the Ministry of Human Rights, Justice, the Interior and Decentralization that involved gathering information from a range of governmental and non-governmental entities. The report, which covers the years 2005 to 2015, represents a significant attempt by Honduras to fulfil its international obligations. The information was gathered at meetings in which representatives of the government and civil society institutions that make up the Inter-Agency Working Group on Human Rights were actively involved, namely the Central Bank of Honduras, the Electronic Centre for Judicial Documentation and Information, the National Centre for Information on the Social Sector, the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons, the National Banking and Insurance Commission, the National Congress, the Executive Revenue Directorate, the General Directorate of Indigenous and Afro-Honduran Peoples, the Directorate for Children, Adolescents and the Family, the Office of the Special Prosecutor for Human Rights, the National Migration Institute, the National Prison Institute, the judiciary, the Counsel General's Office, the Ministry of Agriculture and Livestock, the Ministry of Development and Social Inclusion, the Ministry of Defence, the Ministry of Education, the Ministry of Finance, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Health, the Ministry of Security, the Ministry of Labour and Social Security, the National Commissioner for Human Rights, the Centre for the Care of Returned Migrants, the Centre for Research and Promotion of Human Rights, the Committee of Families of Missing Migrants from El Progreso, the Honduran Red Cross and the National Forum on Migration in Honduras.

Part I

General information

5. The international treaties that Honduras signs with other countries become part of domestic law upon their entry into force, as stipulated in chapter III (Treaties), article 16 (2), of the Constitution. Thus, the Convention has the status of a law, and all government bodies

are bound by it, in keeping with article 26 of the Vienna Convention on the Law of Treaties on the *pacta sunt servanda* principle, whereby every treaty in force is binding upon the parties to it. Article 27 goes on to state that a party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. Moreover, article 18 of the Constitution establishes that, in the event of conflict between a treaty or a convention and the law, the former prevails.

6. The Honduran legal order contains a number of laws regarding migrant workers, including:

- The Constitution, adopted under Legislative Decree No. 131-82
- The Act on the Protection of Honduran Migrants and Members of Their Families, adopted under Legislative Decree No. 106-2013
- The Migration and Aliens Act, adopted under Decree No. 208-2003
- The Implementing regulations of the Migration and Aliens Act, adopted on 3 May 2004
- The Code on Children and Adolescents, adopted under Legislative Decree No. 73-96 of 30 May 1996 and amended by Legislative Decree No. 35-2013 of 27 February 2013
- The Family Code, adopted under Legislative Decree No. 76-84 and published in Official Gazette No. 24,394 of 16 August 1984
- The Labour Code, adopted under Legislative Decree No. 189-1959 and published in Official Gazette No. 16,827 of 15 July 1959
- The Constitutional Act on Education, adopted under Legislative Decree No. 262-2011
- The Work Permit Act, adopted under Legislative Decree No. 110 and published in Official Gazette No. 19,036 of 2 December 1966
- The Trafficking in Persons Act, adopted under Legislative Decree No. 59-2012
- The Framework Act on the Social Protection System, adopted under Legislative Decree No. 56-2015
- The Regulations on Private Employment Agencies, adopted under Legislative Decree No. 32-2003 of 31 March 2003
- The International Labour Organization (ILO) Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- The International Convention on the Elimination of All Forms of Racial Discrimination, adopted under Legislative Decree No. 203-2010
- The Convention relating to the Status of Refugees, adopted on 28 July 1951.

7. Domestic legislation recognizes the rights of migrants and provides for social guarantees and safeguards for migrant and foreign workers. Migrant workers are covered under chapter II of the Constitution (Foreigners), which states:

> Article 30. "Foreigners shall be required from the time that they enter the national territory to respect the authorities and comply with the law."
>
> Article 31. "Foreigners shall enjoy the same civil rights as Hondurans, subject to restrictions established by law on substantiated grounds of law and order, security or social interest."

Moreover, foreign nationals are subject to the same ordinary and additional taxes as Honduran nationals, in keeping with the law.

Article 32. "Foreigners may not engage in political activities of a national or international nature in the country, under penalty of sanctions in accordance with the law."

Article 33. "Foreigners may not file claims or demand indemnity of any kind from the State, except in the form and in the cases in which Hondurans may do so. They may not resort to diplomatic channels except in cases of denial of justice. A decision that is unfavourable to the claimant is thus not to be taken as a denial of justice. Persons who contravene this provision shall lose their right to reside in the country."

Article 34. "Within the limits established by the law, foreigners may hold positions as teachers of the sciences or the arts or provide technical or advisory services for the State only when there are no Hondurans who can fill these positions or provide such services."

Article 35. "Immigration shall be determined by the social, political, economic and demographic interests of the country. The law shall set forth the requirements, quotas and conditions for the entry of immigrants, as well as the prohibitions, limitations and penalties that shall apply to foreigners."

8. Chapter V of the Constitution (Labour) covers issues relating to social protection provided by the State. These constitutional and other provisions are in line with the international treaties and conventions ratified by Honduras.

9. The National Migration Institute is responsible for implementing the Migration and Aliens Act and its regulations, which establish the relevant rights and obligations of both individuals and institutions regarding not only the exit of Hondurans and foreign nationals but also the latter's stay in the country. The Act governs the awarding of asylum and refugee status and the implementation of the Government's migration policy. One of the Government's noteworthy achievements in this area is the amendment of article 39 of the Act to require the State to grant victims of trafficking a special residence or temporary stay permit.

10. In addition, the main objectives of the Act on the Protection of Honduran Migrants and Members of Their Families are to ensure that the protection of the State extends to Hondurans abroad who are in a situation of distress, especially minors, women, older persons, persons with disabilities or persons experiencing difficulty integrating into society or the labour market; to promote bilateral and multilateral agreements to regularize the status of Honduran migrants; and to establish a legal framework within which the State is required to provide protection in a manner that respects the dignity, human rights and other constitutional safeguards and rights of Honduran migrants abroad. Regarding the provision of assistance and protection to Hondurans abroad, article 5 of the Act establishes that: "The State shall, through the Ministry of Foreign Affairs, ensure that its diplomatic and consular missions have sufficient human, material and technological resources to provide the necessary assistance, protection and counselling to Hondurans abroad." Implementing regulations were promulgated by Agreement No. 001-DGACPM-2015, which was published in Official Gazette No. 33,741 of 28 May 2015. Furthermore, the Solidarity Fund for Honduran Migrants has been set up and is to be financed through the proceeds of foreign currency trading by the Central Bank of Honduras for a total of not less than 5 million lempiras. The funds will be used exclusively to cover, totally or partially, the assistance provided to Hondurans in need or in a situation of distress who wish to return voluntarily to Honduras and to children, persons with disabilities or older persons whose repatriation is requested by the consular services. Thus far, the Fund has been used to

repatriate the remains of 64 Hondurans who have died abroad and to purchase surgical equipment.

11. Regarding employment, article 14 of the Act stipulates that:

> "The State shall, through the Ministry of Labour and Social Security, promote employment, proper recruitment conditions and temporary work programmes, propose tax incentives, enforce worker protection standards, defend the rights of workers abroad and enforce treaties and conventions recommended by the International Labour Organization."

12. The Work Permit Act, which regulates the recruitment of foreign migrant workers in Honduras, states:

> "Article 1. A work permit for foreign nationals shall be introduced, to be issued by the Ministry of Labour and Social Security upon submission of documents demonstrating that the applicant is a legal resident of Honduras as defined in this Decree."

> "Article 2. In order to work in Honduras, foreign nationals shall be required to obtain the permit referred to in this Decree."

13. Article 137 of the Constitution and article 11 of the Labour Code require that a special residence permit be issued for foreign nationals who come to the country to work for a specific company. The permit is processed by the National Migration Institute.

14. In sum, the substantive provisions on the protection of the rights of migrant workers are covered in domestic law and there is no record of any violations of those rights.

15. Social, economic and, in particular, political changes are redefining behaviour towards migration and the chief effect of this has been the adoption of treaties and conventions, especially those of the United Nations system. Social circumstances, the development patterns of individual countries, migration flows, the process of joining the global economy and freedom of movement, in addition to political decisions, naturally give rise to situations that require a more tailored reaction from governments. For this reason, there has been an increase in the number of public entities responsible for the design, implementation and monitoring of effective policies and strategies.

16. Among the measures taken to align domestic legislation with the provisions of the Convention, the most noteworthy is the strengthening of provisions aimed at preventing the abuse and risks faced by migrants in transit to other countries who, for the most part, are seeking new economic and social opportunities. Transit migration puts pressure not only on migration monitoring and public safety systems but on economies, as well.

17. Honduras has adopted laws in this area that refer explicitly to the protocols to conventions on the prevention and punishment of trafficking in persons, as well as laws against migrant smuggling and other offences covered in the United Nations Convention against Transnational Organized Crime.

18. In accordance with the relevant bilateral and multilateral agreements signed by Honduras, Honduran migrant workers can regularize their legal status in the United States for a limited period with Temporary Protected Status (TPS) because of conditions prevailing in Honduras that temporarily prevent them from safely returning to that country. The United States Citizenship and Immigration Services can grant TPS to eligible persons from specific countries (or a part of those countries) who are already in the United States. The Department of Homeland Security can add a country to the TPS list under the following temporary circumstances: ongoing armed conflict (e.g. civil war), natural disaster (e.g. earthquake or hurricane), an epidemic or other extraordinary situations of a temporary nature.

19. Persons who are granted TPS or who are deemed eligible during the initial review of their case, having prima facie eligibility, may not be removed from the United States. They may obtain an Employment Authorization Document (EAD) and travel authorization. Once TPS is granted, a person cannot be detained by the Department of Homeland Security for matters relating to his or her migration status in the United States.

20. Honduran migrant workers became eligible for TPS on 5 July 1999 owing to a natural disaster provoked by Hurricane Mitch, which had hit the country in October 1998. Since then, the arrangement has been renewed annually and is currently valid until 5 July 2016. According to the United States Citizenship and Immigration Services, approximately 83,000 Hondurans currently have registered TPS.

21. Another initiative under way with the United States is the Central American Minors-Affidavit of Relationship programme, which provides children in El Salvador, Guatemala and Honduras with a safe, legal and organized alternative to the journey that they have to make if they wish to travel to the United States. The programme opened for applications on 1 December 2014. Persons who have been granted certain immigration benefits and wish to submit an application for their children must be the biological or legal parents of a qualifying child, be 18 years or older and be lawfully in the United States under one of the following categories: Permanent Resident Status, parolee/temporary stay, deferred action for childhood arrivals, deferred action, deferred enforced departure, withholding of removal or Temporary Protected Status.

22. Honduras also has labour agreements with other countries that address the rights of Honduran migrant workers. For example, between 2007 and 2015, the Ministry of Labour and Social Security ran temporary foreign worker programmes with the Canadian provinces of Alberta and Manitoba and with Lleida, Spain, for work in agriculture and potato, pork and poultry processing, which have had a positive effect on Honduran migrants and their families. These programmes are part of the Inter-Agency Operational Agreement on the Management of Organized Temporary Labour Migration Programmes. A total of 137 Honduran migrant workers took part between 2010 and 2015.

23. An agreement on dignified return has been in place between Mexico, Guatemala and Honduras since 2004, whereby the Government of Mexico provides returnees with land transportation on predetermined routes.

24. Under the Central American Integration System, Honduras regularly takes part in the Regional Conference on Migration, a forum for discussing migration issues and making recommendations, as well as considering the problems faced by migrant workers in Central America. Representatives of the various Central American ministries of foreign affairs and/or ministries and institutions responsible for migration, non-governmental organizations (NGOs) and the International Organization for Migration (IOM) take part in the Conference.

25. Regarding the monitoring of migrant workers abroad, Honduras carried out a joint visit with consular staff and IOM representatives in 2014 to ascertain the living and working conditions of Hondurans in Canada. The workers' situation continued to be monitored until their return to Honduras or the regularization of their status in the host country.

26. On 14 January 2008, Honduras signed an agreement with Spain on a pilot programme for the recruitment of Hondurans by a specific agricultural business. The programme benefited 52 Honduran migrant workers and their families between 2010 and

2015. It is still active, but, owing to the unemployment crisis in Spain, fewer workers have taken part.[1]

27. With a view to putting forward solutions for development challenges in El Salvador, Guatemala and Honduras, the Alliance for Prosperity in the Northern Triangle designed a plan in 2014 to address the constant and swelling migration flows caused by a lack of economic and employment opportunities, insecurity and family reunification, which take a huge toll on human capital. In December 2015, the United States Congress approved a partial disbursement of the US$ 750 million earmarked for institutional strengthening in Guatemala, El Salvador and Honduras under the budget for the 2016 fiscal year.

28. The plan includes the following strategic lines of action: revitalize the productive sector to create economic opportunities, introduce coordinated border management, enhance technical and vocational training, adapt and expand the range of available training, facilitate entry into the labour market and strengthen regional activities in the area of employment.

29. With the technical support of ILO and funding from the Government of Spain, the Training, Career Counselling and Labour Market Inclusion Project was set up, which includes a website on living and working conditions in Central America and the Dominican Republic. The Employment Directorate of the Ministry of Labour and Social Security updates the website on an annual basis and publishes relevant statistics and information.

30. Honduran consular missions abroad safeguard the rights of Honduran nationals, issue documents and provide guidance, procedural assistance in health matters and financial assistance for repatriation to Honduras, in accordance with the Act on the Protection of Honduran Migrants and Members of Their Families.

31. In order to identify missing migrants, Honduras signed an inter-agency cooperation agreement on the establishment of information exchange mechanisms regarding missing migrants and unidentified remains on 8 May 2012.[2] The member entities are the Ministry of Human Rights, Justice, the Interior and Decentralization, the Ministry of Foreign Affairs and International Cooperation, the National Forum on Migration in Honduras, the Centre for Research and Promotion of Human Rights and the Argentine Forensic Anthropology Team, which lends its support by conducting DNA testing on remains found on the border between the United States and Mexico.

32. The Central American Integration System is advocating the adoption of a regulatory framework on migrant workers that would apply at the regional level, an agreement to that effect having been reached at the Council of Ministers of Labour of Central America and the Dominican Republic

33. The policies and strategies adopted with regard to migrant workers and their families include the Public Policy and National Plan of Action on Human Rights, which were adopted by the Council of Ministers under Executive Decree No. PCM-003-2012 of 12 March 2013 and published in Official Gazette No. 33,073. In order to ensure the implementation of the Public Policy and National Plan, an inter-agency agreement was signed among the members of the Council of Ministers in April 2014, requiring each of the agencies involved to include relevant activities and an implementation budget in their strategic plans.

34. A section of the Public Policy and National Plan is dedicated to the protection of the rights of migrants and relevant actions are carried out by the Ministry of Foreign Affairs

[1] Annex 1: Disaggregated data on beneficiaries of migrant worker programmes in Canada and Spain.

[2] Annex 2: Inter-agency cooperation agreement on the establishment of information exchange mechanisms regarding missing migrants and unidentified remains.

and International Cooperation, the National Migration Institute, the Ministry of Human Rights, Justice, the Interior and Decentralization, the Ministry of Labour and Social Security, the National Congress, the Ministry of Development and Social Inclusion, the National Statistics Institute, the Ministry of Security, the Ministry of Internal Coordination, the Ministry of Finance, the Public Prosecution Service, the Office of the President, the Central Bank of Honduras, the Institute on Access to Public Information and the Ministry of Education. The National Plan contains 82 actions[3] on the rights of migrants.[4]

35. In order to address the crisis of unaccompanied migrant children, the Government set up the Migrant Children Task Force in July 2014 pursuant to Executive Decree No. PCM-33-2014. The Task Force is composed of the following institutions: the Directorate for Children, Adolescents and the Family, the Standing Committee on Disaster Preparedness, the Ministry of Foreign Affairs and International Cooperation, the Ministry of Human Rights, Justice, the Interior and Decentralization, the Office of the National Commissioner for Human Rights, the Ministry of Development and Social Inclusion, the National Registry Office, the Office of the Special Prosecutor for Children, the National Migration Institute, the Ministry of Health, the Ministry of Education, the Honduran Red Cross, the National Institute for Vocational Training, the Ministry of Labour and Social Security, the National Centre for Information on the Social Sector, the Centre for the Care of Returned Migrants, Plan International and Caritas Internationalis. The purpose of the Task Force is to coordinate the national protection system with a view to caring for children when they arrive in the country and, through the local authorities, providing them with personalized assistance and reintegrating them into their families and communities of origin. It also coordinates actions at the regional level.

36. The Inter-Agency Commission for the Protection of Persons Displaced by Violence was set up pursuant to Executive Decree No. PCM-053-2013. Its main purpose is to promote the development of policies and the adoption of measures on the prevention of forced displacement and the protection and care of persons displaced because of transnational organized crime and other situations of widespread violence.[5]

37. In November 2015, the Ministry of Human Rights, Justice, the Interior and Decentralization, in its capacity as executive secretary of the Inter-Agency Commission, received Mr. Chaloka Beyani, the United Nations Special Rapporteur on the human rights of internally displaced persons, who shared the report on his initial findings following his visit to Honduras.

38. In order to coordinate the development of a basic policy on the treatment of migrant workers, the National Congress is encouraging the establishment of a team consisting of civil servants from the Ministry of Foreign Affairs, the Ministry of Labour and the National Migration Institute. Policymaking efforts will be enhanced by the participation of the Council of Ministers of Labour of the Central American Integration System.

39. ILO is currently supporting inter-agency coordination between the Ministry of Labour and Social Security and the National Migration Institute as part of the programme on the promotion of decent working conditions for migrant workers in the northern triangle of Central America. To this end, a working group has been set up, involving both institutions, to coordinate the implementation of the Convention and plan the follow-up to the recommendations that will be made following the consideration of the initial report. Its main objectives are to promote institutional coordination; raise awareness of the ILO focus on human rights and decent work in relation to labour migration; plan joint activities to

[3] Annex 3: Action taken under the Public Policy and National Plan of Action on Human Rights.

[4] Annex 4: 2014 Progress Report on the Implementation of the Public Policy and National Plan of Action on Human Rights in relation to Migrants' Rights.

[5] Annex 5: Report on internal displacement in Honduras.

promote the regularization of the status of migrants and better protection of their rights; raise awareness of the situation of child migrant workers and plan joint prevention and protection measures for inclusion in national road maps on the prevention and eradication of child labour; create the conditions for the completion of the projects organized by the working group; and optimize the institutions' efforts to protect the rights of migrants.

40. According to statistics produced by the National Migration Institute, various types of work contract were recorded between 2014 and September 2015. Out of a total of 1,140, 802 went to men and 338 to women.[6]

41. According to the National Migration Institute, there are no precise figures on migrant workers in an irregular situation because irregular migration is variable and generally involves persons in transit who spend only a short time in the country and usually cannot be counted. The National Migration Institute and the Ministry of Labour and Social Security are joining forces to control and regularize the situation of irregular migrant workers, in part by conducting inspections of private companies, public institutions and NGOs.

42. The Office of the National Commissioner for Human Rights was established as the independent human rights monitoring body pursuant to article 59 of the Constitution, whereby:

> The human person is the highest objective of society and the State; all are required to respect and protect it. Human dignity is inviolable. In order to guarantee the rights and freedoms enshrined in the Constitution, the Office of the National Commissioner for Human Rights shall be established. The organization, powers and functions of the Office of the National Commissioner for Human Rights shall be the subject of a special law.

The Office was established by Legislative Decree No. 153-95 of 21 November 1995, and its functions include ensuring compliance with the rights and guarantees set forth in the Constitution, the Universal Declaration of Human Rights and other treaties and conventions ratified by Honduras. In addition to the functions and powers laid down in the relevant basic law, in 2014 the Office launched an action plan for the period 2014-2020 called "At the vanguard of human dignity", the third stated objective of which is to realize, respect and uphold the human rights and fundamental freedoms of all residents and migrants. All regional and departmental offices are required to accept, address, refer and follow up all complaints and reports submitted by migrants on a toll-free, rapid response hotline (number 132), which operates 24 hours a day, 365 days a year, on the website or in person to mobile units in detention centres nationwide, in branches of the Office across the country or through informal communications.

43. The Office publishes bulletins on a regular basis to raise awareness and voice its concern, at the national and international levels, about the current situation of Honduran migrant children, calling on the Government to provide the necessary opportunities so that families and children can flourish and live in decent conditions without having to emigrate, and to take a comprehensive approach to the situation in the region and give it the attention it deserves. Relevant bulletins include: "The urgency of formulating a plan to address the root causes of migration for thousands of Central Americans" (26 July 2014), "The urgency of adopting an international plan for a prosperous, democratic and safe Central America" (8 August 2014), "An international plan for a prosperous, democratic and safe Central America" (14 August 2014) and "The humanitarian crisis behind migration in Central America and Mexico discussed at an international forum" (18 November 2014).

[6] Annex 6: Types of contract for migrant workers in Honduras.

44. In addition to the powers set forth in the relevant basic law, the Office has specific functions under the Act on the Protection of Honduran Migrants and Members of Their Families, such as responding to complaints filed by Hondurans abroad; forming, with other institutions and organizations, the National Council for the Protection of Honduran Migrants, a consultative and advisory body on migration issues; becoming a member of the Office for the Protection of Honduran Migrants; joining the Office for Assistance to Returned Migrants; as a member of the National Council, providing guidance and approving State appropriations, through the Solidarity Fund for Honduran Migrants in Situations of Distress, for the repatriation of the remains of Honduran migrants who die abroad and for migrants who are ill, have a disability or are victims of a crime; and joining the Migrant Rights Network, which is made up of the Human Rights Ombudsman of El Salvador, the National Human Rights Commission of Guatemala, the Human Rights Commission of the Federal District and civil society organizations from Mexico and Guatemala and carries out coordinated activities to review the cases of migrants and seek strategic partners in order to respond to and resolve any issues that arise in countries of transit and destination.

45. Given the need to take a comprehensive approach to the issue of migration, the Office of the National Commissioner for Human Rights includes a migrants' ombudsman, which coordinates the efforts of government entities, civil society organizations and international organizations, at both the national and regional levels, to uphold the rights of migrant workers. The Office is also the guarantor of the State's responsibilities with regard to the implementation of domestic laws and international treaties and conventions ratified by Honduras, which are part of domestic legislation.

46. The Office has 18 local offices nationwide, one in each department, as well as one branch office in El Progreso, Yoro department. They accept, address, refer or follow up all complaints or reports filed by migrants. They also provide training on migration issues to staff and the general population. Through its mobile units, the Office can reach most of the country's 298 towns, providing people with information on their rights and giving them the option, where appropriate, of lodging a complaint or report of rights violations.

47. The Public Prosecution Service, through the Offices of the Special Prosecutor for Human Rights, for Children and for Women, the Organized Crime Division, the Transparency and Anti-Corruption Division and the Offences against Human Life Division, investigates all criminal acts that come under its jurisdiction, including human rights violations against migrant workers or returning migrants. There are on-call prosecutors in all departmental capitals who have the technical and legal knowledge to investigate cases where rights under the Convention are infringed. In the event of a complaint of an alleged violation against a foreign worker, even if he or she is merely in transit in the country, the Public Prosecution Service is required to conduct the necessary inquiries, including inspections of detention centres and interviews with victims.

48. It should be noted that one of the chief reasons why the Convention is only partially applied is the need for greater promotion and dissemination among the population, officials, public servants and NGOs.

49. IOM, with the support of the International Programme for Professional Labour Administration of the Department of Human Resources and Skills Development Canada, is rolling out the second phase of the project "Improving Labour Migration Administration in Central America and the Dominican Republic" in the Dominican Republic, Honduras and Panama over a period of four and a half months. The second phase builds on the activities undertaken in the first phase, which was rolled out in Costa Rica, the Dominican Republic, El Salvador and Panama between 2011 and 2013. The Ministry of Labour and Social Security is one of the partners in the project, which promotes the development of sustainable and lasting initiatives to modernize and improve policies and activities relating

to the administration of labour migration in Central America and the Dominican Republic in the long term. The second phase is specifically geared towards the design and implementation of strategies for the effective and integrated management of labour migration with a gender perspective.

50. The project is focused on improving awareness and enforcement of national labour law and international labour standards in Honduras, Panama and the Dominican Republic by organizing training seminars. In 2013, one seminar was held in Tegucigalpa and another in San Pedro Sula, in which 43 labour inspectors, labour migration officials and employment agents took part. Participants carried out national assessments, developed awareness-raising tools, held thematic discussions and improved equipment and technological aids. In the case of Honduras, training sessions were held between August and December 2013 with a view to building capacity within the Ministry of Labour and Social Security on issues related to the management of labour migration. Staff of the Employment, Labour Migration and Labour Inspection Service took part in the sessions, which covered basic migration concepts, the international legal framework, the regional and national frameworks for the protection of migrant workers and the common features of programmes on organized labour migration. In addition, an information system on employment licences for foreign nationals working in Honduras was set up to enhance the security of work permits and their registration through the scanning of associated documentation.

51. Honduras also has centres for the care of returned migrants, run by the Government in coordination with the Catholic Church, specifically the Scalabrinian Missionary Sisters. The centres treat deported returnees with courtesy, dignity, humanity and Christian solidarity and provide them with effective and immediate assistance to meet their basic needs in a climate of trust and friendship, where human rights are always upheld.

52. The centres provide Honduran migrants in an irregular situation who have been returned from the United States or Mexico with the following services:[7] transport to their town of origin, food, lodging and free telephone calls. The assistance is provided with the support of the private sector, the Honduran Red Cross, the Directorate for Children, Adolescents and the Family and the Ministry of Development and Social Inclusion; in 2015, the United States Agency for International Development (USAID) donated five buses.

53. The Honduran Red Cross, with technical and financial support from the International Committee of the Red Cross (ICRC), launched a project to assist migrants who return by land, consisting in the establishment of a migrant assistance unit on the border at Corinto. The unit is entirely operated by volunteers of the board of the Honduran Red Cross in Puerto Cortés, who, for more than three years, have been travelling over 60 kilometres to provide assistance with a rights-based approach to all migrants in transit and returnees, irrespective of their nationality, and to the local population.

54. The Corinto unit shut down on 22 September 2015 and was moved the next day to a place known as Milla 4 in the town of Omoa, Cortés Department, where the competent government institutions set up the Omoa Centre for the Care of Returned Migrants to receive adult migrants returning from Mexico by land. The Honduran Red Cross, as one of the civil society organizations involved in the work, continues to provide the same services to migrants as it did through the unit in Corinto, in accordance with its basic principles.

55. It is up to returning migrants to request the services, which consist of:

[7] Annex 7: Assistance provided by the Centres for the Care of Returned Migrants, March 2010-September 2015.

- A warm welcome, either on the bus or in an area set aside for the Honduran Red Cross, and information on the location of the repatriation point, the procedure to be followed and the services offered by the institutions involved.
- Gender- and age-appropriate individual hygiene kits, together with a container of water. Until September 2015, children and adolescents received assistance directly at the border and their kit, depending on their age, contained diapers and baby food.
- Help with re-establishing contact with their families by telephone, provided by trained staff acting in accordance with the relevant guidelines.
- First aid provided at a clinic staffed by volunteers of the National Society of the Honduran Red Cross.
- Accommodation and transport, including to hospital, where necessary, for returning migrants in a vulnerable situation.

56. Between July 2012 and September 2015, the Omoa Centre for the Care of Returned Migrants provided services to returning child, adolescent and, in particular, adult migrants on 247,521 occasions.

57. It should be noted that the Honduran Red Cross, in conjunction with the International Federation of Red Cross and Red Crescent Societies, has carried out activities to protect migrants. For example, they launched a project called Migrant Rights in Action designed to promote and protect the human rights of migrants in countries of destination, migration routes and regions through coordinated action by civil society at the global level, with a particular focus on migrant domestic workers and victims of trafficking in persons.

58. Under this initiative, civil society organizations were invited to submit project proposals, as a result of which the Centre for Research and Promotion of Human Rights was selected to carry out a project, with the support of the Honduran Red Cross, on the labour and human rights of migrants and victims of trafficking in persons, scheduled to run until July 2017. In addition, a documentary study has been launched whose prime objective is to conduct a broad literature review and analysis to describe the situation of migrants, with a focus on the extent to which their rights are protected, and to highlight the prevalence and underlying causes of trafficking in persons and migration for the purpose of domestic work. This project will influence the adoption of policies and actions, thereby undoubtedly improving the assistance and protection provided to migrants in general and to migrant domestic workers and victims of trafficking in particular.

59. Interaction between the State and civil society can also be seen in the dissemination of research, studies and surveys regarding the rights of migrant workers, for instance through the National Forum on Migration in Honduras, Pastoral de Movilidad Humana (Ministry for the pastoral care of migrants) and the Scalabrinian Missionary Sisters.

60. Regarding the recruitment of migrant workers for jobs abroad, the regulations on private employment agencies and related services, which were adopted under Executive Agreement No. STSS-141-2015 of 7 April 2015, state:

- Article 1. "*Objective*. These regulations govern commercial or non-profit private employment agencies and related service providers, with a view to guaranteeing the protection of the rights of jobseekers, workers and employers and ensuring that such agencies operate effectively from a legal and technical standpoint."
- Article 2. "*Scope*. These regulations apply to all commercial or non-profit private employment agencies and related service providers that offer services in all professional categories and all branches of economic activity, without prejudice to applicable provisions of national and international law."

- Article 5. "*Competent authority*. The Ministry of Labour and Social Security, through the General Employment Directorate, shall be the competent authority for the regulation, registration, authorization, oversight and performance of commercial or non-profit private employment agencies and related service providers and shall lay down penalties for non-compliance with these regulations, with a view to safeguarding the rights of jobseekers and employers."
- Article 19. "*Prohibitions*. Private employment agencies and related service providers may not:
    - Place jobseekers or workers in a client business for the purpose of replacing striking employees
    - Place jobseekers in positions that pose occupational hazards without their knowing the risks involved and without ascertaining their fitness for the positions
    - Place jobseekers in positions where they may be subjected to abuse or any type of discriminatory treatment
    - Charge jobseekers, directly or indirectly, partial or full fees of any kind for job placement activities, or agree with the employer that a fee or commission should be partially or fully deducted from the salary of a worker placed through their services
    - Charge jobseekers for services tied to job placement activities that may limit access to an employment opportunity
    - Formulate or publish vacancies or job offers that result, directly or indirectly, in discrimination on grounds of race, colour, sex, age, religion, political views, national or social origin, ethnicity, disability, marital or family status, sexual orientation or membership of a trade union
    - Enter in a file or register personal information that is not germane to judging the suitability of candidates for positions for which they are being or may be considered
    - Request, keep or use information on a worker's state of health, including results of pregnancy or HIV/AIDS tests, or use such information to determine a worker's suitability for a position, except where the information relates directly to the requirements of a specific position and where the jobseeker or worker concerned has given his or her explicit consent
    - Propose, offer or assign illegal employment
    - Publish by any means or share with third parties for purposes unrelated to inclusion in the labour market any information about client employers or jobseekers without their explicit authorization
    - Misrepresent working conditions
    - Act as intermediary in the recruitment or hiring of Honduran workers abroad or of foreign workers in Honduras unless they satisfy the requirements set forth in relevant national and international law."

61. According to data provided by the Ministry of Labour and Social Security, there are 19 private employment agencies in Tegucigalpa that hire persons to work abroad and 50 in San Pedro Sula, as well as 18 websites.

62. The General Employment Directorate of the Ministry of Labour and Social Security is responsible for regulating, overseeing and monitoring the activities of natural and legal

persons that recruit and/or hire Honduran workers for jobs abroad, and for adopting the relevant regulations to that end.

63. Article 44 of the Labour Code stipulates that:

"The Ministry of Labour and Social Security shall ensure that hiring for the provision of services abroad meets the conditions for the employment of minors and that the following factors are appropriately regulated:

- The person concerned is not a minor
- Adequate guarantees of food for persons economically dependent on the worker
- The impact of immigration on the national economy, in consideration of which the Ministry of Labour and Social Security shall, where appropriate, give a detailed and reasoned explanation of the need to hire a foreign national
- Guarantees that a contract safeguards the dignity of Honduran workers and is not in any way detrimental to them.
- Workers who hold vocational diplomas or technicians whose work requires specialized skills are exempt from the above rules."

64. Decision No. STSS-252-2008 of 30 July 2008 regulating the recruitment and hiring of Honduran workers abroad states:

Article 1. "The purpose of the present regulations is to set the basic terms for the recruitment and hiring of Honduran workers to provide services or undertake employment abroad. They shall also regulate, oversee and monitor the activities of natural or legal persons that recruit and/or hire persons for work outside the national territory."

65. Article 2 of the Decision stipulates that:

"It is the responsibility of the Ministry of Labour and Social Security, through the National Employment Directorate, to promote and organize recruitment and related activities at the national level that lead to the hiring of Honduran workers for employment abroad and to regulate, oversee and monitor the activities of natural or legal persons that recruit and/or hire workers for such employment."

66. Chapter IV (Prohibitions), article 10, on the recruitment and hiring of Honduran workers abroad states:

"All natural and legal persons that recruit and/or hire Hondurans to work abroad are prohibited from:

(a) Charging workers for a job opportunity. The Directorate may authorize exceptions with regard to specific related services;

(b) Engaging in activities that discriminate against workers in their recruitment and/or hiring abroad;

(c) Knowingly promoting non-existent opportunities for work abroad;

(d) Recruiting and/or hiring minors for work abroad;

(e) Committing or abetting the offences of smuggling or trafficking in persons;

(f) Promoting or engaging in labour migration that infringes relevant laws in the migrant worker's country of origin or of destination;

(g) Recruiting and/or hiring Honduran workers to work abroad without abiding by these regulations;

(h) Recruiting and/or hiring Honduran workers to work abroad in illegal activities as defined in domestic and international law;

(i) Recruiting and/or hiring Honduran workers to work in surveillance or security abroad;

(j) Recruiting and/or hiring Honduran workers to provide services or undertake employment in countries that are not members of the International Labour Organization or of the United Nations."

67. Regarding operating licences, the regulations provide that:

- Article 13. "All natural and legal persons operating commercially or not for profit that recruit Honduran workers for jobs abroad or place them in such jobs are required to hold a special operating licence for that purpose issued by the Ministry of Labour and Social Security through the General Employment Directorate."

- Article 14. "The Directorate shall issue a special operating licence to natural and legal persons that recruit and/or hire Honduran workers for jobs abroad, provided that they:

(a) Are legally constituted as either a natural or a legal person operating commercially or not for profit, are registered in the Public Business Register and, in the case of natural or legal persons operating commercially, belong to the Chamber of Commerce;

(b) Have an organizational structure;

(c) Have a payroll;

(d) Pass criminal, labour, administrative and judicial background checks demonstrating that the State has not brought any administrative or judicial claims against them;

(e) Hold a valid operating licence for opening a business.

Compliance with the requirements referred to above shall be substantiated by presentation of the relevant documentation. The recruitment and/or hiring of staff for a third party domiciled abroad must be expressly stated as an aim at the time of registration."

68. Chapter XI (Complaints), article 34, of the aforementioned regulations states:

"Complaints of non-compliance with these regulations on the part of natural or legal persons domiciled in Honduras that recruit and/or hire workers for jobs abroad shall be brought before the General Employment Directorate of the Ministry of Labour and Social Security, which shall proceed in accordance with these regulations, without prejudice to other possible legal action. The foregoing shall not apply to complaints of a civil or criminal nature, which shall be brought before the competent authority, without prejudice to the cognizance that may be taken by the Ministry of Labour and Social Security."

69. Pursuant to Legislative Decree No. 69-2010 of 11 June 2010, a special system was set up to facilitate the legal migration of Hondurans to work in the agricultural sector in the United States and other countries.

70. Article 2 of the Legislative Decree reads:

"Migration shall be managed by civil society associations of high national standing that have, where required, been duly registered and certified by the National Business Association and whose relations and formal agreements with businesses or business organizations in the United States of America or other countries interested in hiring Hondurans to work in the agricultural sector have been accredited by the Ministry of Labour and Social Security."

71. Article 9 provides that:

"The Ministry of Labour and Social Security, through the General Employment Directorate, shall oversee and monitor the recruitment and hiring of migrant workers and, with the support of accredited consulates in the host or destination country or of civil rights groups, shall ensure that the rights set forth in the labour law of the host country and work contracts are respected."

72. Article 14 stipulates that the provisions of this decree are a matter of public order and that violations thereof carry civil, criminal and administrative penalties.

Information relating to each of the articles of the Convention

General principles

73. According to investigations conducted by the courts and information provided by the Electronic Centre for Judicial Documentation and Information, both the prosecution and defendants have on occasion invoked the principles and rights enshrined in the Convention. Case law and legal doctrine have also been invoked. When foreign migrants commit an offence in Honduras, they are prosecuted in accordance with domestic law and relevant international treaties.

Part II of the Convention

Article 7

74. Regarding the issue of whether Honduran law ensures that all migrant workers and members of their families have the rights provided for in the Convention without distinction of any kind, article 31 of the Constitution establishes that foreigners enjoy the same civil rights as Hondurans, subject to restrictions established by law on substantiated grounds of law and order, security or social interest.

75. Foreign nationals are also subject to the same ordinary and additional taxes as Honduran nationals, in keeping with the Income Tax Act. However, article 137 of the Constitution and article 11 of the Labour Code stipulate that, other things being equal, Honduran workers take precedence over foreign workers. Those provisions also prohibit employers from having a staff that is less than 90 per cent Honduran and from paying Honduran workers less than 85 per cent of the total sum of salaries. Both quotas may be modified in exceptional cases provided for in the Act.

76. Under article 35 of the Constitution, immigration is determined by the social, political, economic and demographic interests of the country. Moreover, the law sets forth the requirements, quotas and conditions for the entry of immigrants, as well as the prohibitions, limitations and penalties that may apply to foreigners. Article 77 of the Constitution guarantees the free exercise of all religions and faiths without attributing any pre-eminence, provided that they do not violate the law or public order.

77. The Migration and Aliens Act establishes that the Migration Service is the lead agency for monitoring and checking the entry and exit, whether by air, land or sea, of persons in international transit and that it should cooperate with the health and security authorities in carrying out its functions in accordance with the law.

78. Furthermore, pursuant to article 81 of the Migration and Aliens Act and article 114 of its implementing regulations, the National Migration Institute, in collaboration with the Ministry of Health and the Ministry of Security, coordinates the entry of foreign nationals. Persons who are ill, persons with disabilities and persons who lack legal capacity are permitted entry only if under the care and responsibility of Honduran nationals or of foreign nationals who, in the eyes of the Institute, have provided a sufficient guarantee of their ability to properly care and be responsible for them. Members of a migrant worker's family who have a disability or chronic illness are granted entry provided that the migrant worker concerned takes responsibility for their stay.

79. Foreigners who wish to enter the country but are known by the migration authorities to engage in witchcraft, begging or other practices and thus jeopardize their own security and that of the country by attempting to introduce such practices, will not be permitted entry, in keeping with the Migration and Aliens Act, its implementing regulations and the Constitution.

80. The legislative and constitutional provisions on non-discrimination include:

- Legislative Decree No. 23-2013 of 25 February 2013, which amends the following provisions:
    - Article 27 of the Criminal Code whereby discrimination is an aggravating circumstance of an offence: "... to commit an offence based on hate or contempt for the victim's sex, gender, religion, national origin, identity as an indigenous person or person of African descent, sexual orientation or gender identity, age, civil status, disability, ideology or political opinion."
    - Article 321 of the Criminal Code on the offence of discrimination, to increase the penalties, in particular in cases where the offence was committed by an official or public servant when acting in an official capacity.
    - The introduction of article 321-A, which provides for incitement to violence as follows: "A person who publicly or through the media incites to discrimination, hatred, contempt, persecution or any form of violence or attack against a person, group, association, foundation, company or non-governmental organization on any of the grounds enumerated in article 321 shall be liable to 3 to 5 years' imprisonment and a fine of 50,000 to 300,000 lempiras."
    - The addition of article 118-A to introduce the offence of femicide, which carries a penalty of 30 to 40 years' imprisonment.
- Amendments to the HIV/AIDS Act designed to counteract the psychological harm caused by discrimination against persons living with the disease.
- The Honduran Sign Language Act (Decree No. 321-2013).
- The Equality and Comprehensive Development of Persons with Disabilities Act (Legislative Decree No. 160-2005).

81. Honduras is a signatory of the ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), article 1 of which stipulates that, for the purposes of the Convention, the term "discrimination" includes any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or

social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation; and that the terms "employment" and "occupation" include access to vocational training, access to employment and to particular occupations, and terms and conditions of employment.

82. The Labour Inspectorate of the Ministry of Labour and Social Security conducts interviews with employers to ensure that Honduran and foreign workers enjoy their labour rights. Such surveys include specific questions to ascertain the foreigners' working conditions in the national territory, regardless of the work that they do, and to ensure that every foreign national working in Honduras has the documentation required for such work under the country's labour legislation.

83. The Ministry of Health treats Honduran and foreign workers equally, providing health services through State facilities nationwide, such as public hospitals, health centres, rural health centres and health centres with medical and dental staff. It has also put at the disposal of returning Honduran migrants and foreign nationals arriving in the country by air, land or sea specialized doctors who care for migrants that are injured or unwell, without distinction of race, religion, political opinion, age, sex or language, while always mindful of domestic regulations.

84. The Constitutional Act on Education, which was adopted pursuant to Legislative Decree No. 262-2011, makes fairness and inclusion the guiding principles of the national education system in order to ensure equal access to education without any discrimination whatsoever and to cater to special educational needs and cultural, linguistic, social and individual diversity as a central element of development. Education is provided through centres that are open to migrants, who have access on the same terms as other students. In 2015, 2,292 out of 1,957,300 students were migrants.

85. Vocational and life-skills training programmes are designed to reintegrate Honduran deportees by increasing their marketable skills and guiding them in the search for a job matching their skills and qualifications. Similarly, the "Return to Class" programme gives returning migrant children whose attempted migration was thwarted by their detention and subsequent deportation back to Honduras the opportunity to resume their studies.

Part III of the Convention

Articles 8 to 23

86. The staff of the migration agencies and the Inspectorate of the National Migration Institute are given regular training on trafficking in persons so that, when they conduct inspections at workplaces, they can identify possible cases of labour exploitation and refer them to the authorities.

87. One of the measures adopted by Honduras, within the framework of the Regional Coalition against Trafficking in Persons and Smuggling of Migrants, of which the country is a member, to prevent domestic servitude, forced labour and commercial sexual exploitation was a campaign conducted between 2013 and 2015 by the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons, entitled "Life's Journey is Not What You Imagine".

88. In addition to the dissemination of information and the publicization of the 114 helpline for victims of trafficking, prevention activities have given rise to a number of campaigns, including "Zero Tolerance for Commercial Sexual Exploitation", "It's an Offence, Don't Make it a Crime", Prevention of Abuse and Commercial Sexual Exploitation and Trafficking in Children and Adolescents, "Break the Silence", Raising Awareness of Trafficking in Persons, the National Campaign against Trafficking in Persons,

a regional campaign entitled "Don't Be the Next Victim" and the Campaign against Irregular Migration of Children, in order to prevent the numerous dangers involved in such migration, including abduction for the purpose of trafficking. These campaigns were run between 2010 and 2015 by ILO, the Save the Children Fund, the Congressional Committee on Children and the Family, Global Communities (CHF International), the Office of the First Lady with the Directorate for Children, Adolescents and the Family, the National Directorate of the Special Investigation Services of the National Police, IOM, the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons, the Government itself and the Global Communities programme entitled "Supporting Institutional Counter-Trafficking Efforts (SICTE)".

89. With help from the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons, the BA1 project produced a television advertisement against trafficking in persons, which was aired in Central District, San Pedro Sula, Choloma, Tela, La Ceiba, Omoa, Ruinas de Copán, Santa Rosa de Copán, Nueva Ocotepeque and Trojes. The advertisement highlights the various ways a person can fall victim to trafficking and provides the public with the information that it needs to lodge a complaint or seek help.

90. The Commission offers awareness-raising, training and education courses to local authorities, justice officials, immigration officers, community leaders, officials of institutions, students, the Commission's own officials, NGO and private sector employees, local committees of the Commission, children and adolescents in a vulnerable situation, justices of the peace, journalists, broadcasters, fathers and mothers, student governments, teachers and the general public. In this way, 37,590 people across the country have been reached by the Commission between 2013 and 2015, in coordination with Global Communities, the Public Prosecution Service, the Ministry of Human Rights, Justice, the Interior and Decentralization, the National Migration Institute, the Ministry of Education and NGOs including Samaritan's Purse — International Relief, Proyecto Victoria, Asociación Brigadas de Amor Cristiano, Casa Alianza of Honduras, the Scalabrinian Missionary Sisters, Asociación Calidad de Vida and Alianzas de Vida 12-21.

91. The Trafficking in Persons Act criminalizes every form of trafficking, including forced labour, and contains provisions on comprehensive protection for victims.

92. As regards children and adolescents, Honduras has legal provisions in place to eliminate child labour, as set out in the Code on Children and Adolescents.

93. When addressing the smuggling of migrants, the Organized Crime Division can call on the Transnational Criminal Investigative Unit, which has its own prosecutor in charge of conducting such investigations, in coordination with the Border Police Unit of the National Preventive Police, with whom investigations of existing complaints are conducted.

94. As regards allegations of extortion and arbitrary detention made by migrant workers and their families, including Hondurans trying to leave the country, one of the functions of the Organized Crime Division is to investigate extortion offences. There has, to date, been no case of extortion relating to migrant workers.

95. As regards public officials who commit corruption offences, including abuse of authority in the context of migration, one of the functions of the Office of the Special Prosecutor for Transparency and the Fight against Public Corruption is to carry out such investigations as may be necessary to verify or disprove the facts as presented. There have, to date, been no claims by migrant workers of such offences.

96. Under article 135 of the regulations of the Migration and Aliens Act, the National Migration Institute has the responsibility of following up any allegations of abuse of authority or corruption that the public may make against migration officials. Such

allegations are then referred to the relevant authority and administrative sanctions are imposed, without prejudice to any criminal liability that may obtain.

97. In June 2014, the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons set up the 911 telephone line for claims in cases of trafficking in persons. These are manned by the Rapid Response Team, who refer them to the relevant authorities so that judicial proceedings can be initiated.

98. Working in coordination with the Commercial Sexual Exploitation and Trafficking in Persons Unit of the Public Prosecution Service, the Rapid Response Team focuses primarily on recovering victims of commercial sexual exploitation and trafficking in persons. It then helps them with the formulation of statements and the physical and psychological assessments carried out by medical examiners and accompanies them to preliminary hearings.

99. In September 2015, a training course was conducted on police action to address complaints of trafficking in persons on the 911 line, at which 200 officials, including telephone operators, dispatchers, staff of "smart cities" and police officers, received training in the referral of complaints to the relevant authorities.

100. The National Human Rights Commission coordinates with the Ministry of Foreign Affairs and International Cooperation in addressing allegations that migrant workers may make with regard to violations that they have suffered. The Ministry is currently setting up a project to systematize information received from Honduran consulates, given that there still exists no register of complaints lodged, particularly none lodged by migrant workers lawfully working abroad. Honduran migrant workers in an irregular situation do not generally lodge such complaints, for fear of reprisals from their employer and subsequent deportation.

101. The Directorate General for the Protection of Honduran Migrants takes part in inter-agency working meetings with ICRC with a view to establishing a platform for the identification of forensic information. The Directorate General provides financial support for an NGO based in El Progreso, called the Committee of Families of Missing Migrants from El Progreso, which searches for Hondurans who have disappeared on the migrant route, with funding from the Solidarity Fund for Honduran Migrants.

102. The ICRC Honduras office is working with a number of State institutions and NGOs to set up a database containing information on disappeared migrants. It is also introducing procedures for compiling data provided by the family members of disappeared migrants, which will be used by the various institutions making up this working group.

103. Honduras signed a memorandum of understanding, dated 7 July 2006, with the Governments of El Salvador, Guatemala, Mexico and Nicaragua on the dignified, orderly, prompt and secure repatriation by land of migrant Central American nationals.

104. The Central American Council of Human Rights Prosecutors, currently chaired by the Honduran National Human Rights Commission, has signed a number of joint statements to express its concern at the constant human rights violations suffered by Central American migrants in transit to the United States. Recommendations have been made to States to provide integrated and coordinated diplomatic and consular protection in the United States and to facilitate the provision of psychological and legal assistance for unaccompanied migrant children who are staying in shelters or have left such shelters for fear of deportation. The aim is to guarantee international protection for children and adolescents and safeguard their right to asylum or refugee status in those countries. The Council has undertaken to work for the promotion of a regional system of economic and social well-being and justice within an economic framework of democracy and freedom, in which human rights are observed, respected, promoted, protected and guaranteed.

105. The National Migration Institute has three centres for the care of irregular migrants,[8] in Choluteca, San Pedro Sula and Tegucigalpa, where such migrants are held for 24 to 48 hours, since they are not considered migrant workers. It should be noted, however, that the detention facilities in San Pedro Sula, Cortés Department, are not currently operational, while those in Choluteca, Choluteca Department, are partly operational but require refurbishment. The facilities in Tegucigalpa, Francisco Morazán Department, are fully operational. The San Pedro Sula and the Tegucigalpa facilities were made over to the National Migration Institute by the Office for the Administration of Seized Assets.

106. As regards detention centres for adults, children and adolescents in the United States, representatives of the Ministry of Foreign Affairs and International Cooperation and of the Centre for the Care of Returned Migrants paid a working trip to Texas with a view to observing and understanding the situation of Honduran migrants in detention facilities. They visited three facilities: the South Texas Detention Facility, the Karnes County Family Detention Centre for Adults and the Baptist Child and Family Services Detention Centre for children and adolescents. It was noted and confirmed that the premises in which irregular migrants or applicants were held were safe, spacious, orderly, clean and fit for purpose.

107. With regard to the detention centres and the conditions in which migrant workers are held in the United States, the facilities are secure and the sanitary conditions excellent. Most migrants share their accommodation with 20 or 30 people of different nationalities, except that those with a criminal record are held separately, in individual cubicles, under the same conditions. There are administrative and security personnel and also medical and specialized staff.

108. To ensure that migrants receive assistance in detention centres, 11 medical clinics have been established in such centres, where adults who enter the United States unlawfully are provided with services, including food, health care, recreation, vocational guidance and communication facilities. Migrants in these centres have access to medical advice, pharmacies and laboratory tests for tuberculosis, HIV/AIDS or hepatitis. Dental care and psychological treatment are available.

109. There are also recreation areas, where, twice a week, detainees have the opportunity to engage in recreational activities, including football, volleyball and other sports, to exercise in the gymnasium and to take part in karaoke nights. The recreation areas are friendly places, with a pleasant family atmosphere, and the detainees are out of doors. Communication is not restricted in the recreational areas; on the contrary, detainees can talk to people of other nationalities. There are about 100 telephone lines, where migrants can communicate with their families.

110. The detention centres for children and adolescents in the United States have the same services as those for adults, with a particular focus on integrated assistance. Staff specializing in migrant care stay in the day rooms of the facility, directly supervising and observing the young people and their daily activities. Each unit is designed to accommodate between 8 and 10 young people and the units also have recreation areas. In addition to providing health care, each facility has a psychologist on the staff and teachers who can involve the children and adolescents in educational activities while they are in the detention centre. The children also receive skills training and are permitted family visits twice a week. They are not considered migrant workers but persons migrating for reasons of family reunification.

111. As regards the complaints that migrant workers may make, the first step is to identify the nature of the complaint. Once that has been done, the complaint is referred to

[8] Annex 8: Flowchart of support procedures for Cuban nationals, applicable to other nationalities. National Migration Institute.

the relevant authorities. For example, a lost property claim is referred to the United States Immigration and Customs Enforcement, an agency of the Department of Homeland Security established in March 2003, headquartered in Washington but with a base in Honduras for monitoring purposes.

112. Where a complaint relates to physical or psychological abuse, it is referred to the Migrant Protection Office of the Ministry of Foreign Affairs and International Cooperation and the National Human Rights Commission, so that they can conduct a joint investigation. Inquiries are also carried out in the detention centre concerned.

113. Where a complaint relates to abuse or fraud committed by a Honduran in the national territory at the start of the migration journey, or abuse by border officials who steal migrants' money when they are leaving the country, the migrants concerned are advised to lodge their complaint with the Public Prosecution Service, which should then conduct an investigation. They are also helped with the wording of the claim, using a form produced by the Centre for the Care of Returned Migrants, if they request such assistance.

114. Honduras is committed to respecting, promoting, protecting and guaranteeing the human rights of returned migrants, once they enter Honduran territory and are accommodated in the Centre for the Care of Returned Migrants. Inmates are also assisted with immediate needs, such as food, accommodation, telephone calls to their families and transport for moving to their places of origin. Where migrants are suffering from chronic disease or are otherwise vulnerable, they are immediately transferred to hospital and given the treatment that they need.

115. Returning migrants also receive support in the form of vocational education and life-skills training to improve their qualifications and help them in the search for work suited to their abilities, skills and qualifications. They are helped to obtain their birth certificate from the National Registry of Persons, so that undocumented migrants can be identified.

116. If an arrest warrant has been issued, the migrant concerned is interviewed and referred to the arrest unit of the Investigative Police Directorate. They are vouched for by staff of the Centre for the Care of Returned Migrants and their human rights are respected.

117. To promote the reintegration of migrants into the labour market, income-generating opportunities for returned migrants have been introduced. These include entrepreneurship initiatives based on competition methodologies, such as the "Start Your Own Business" programme, which provides seed capital of up to 25,000 lempiras per beneficiary. Migrants are thus enabled to set up their own microenterprises to keep themselves and their families.

118. In accordance with the Act on the Protection of Honduran Migrants and Members of Their Families and the Vienna Convention on Consular Relations, legal assistance and interpretation services are provided for Honduran migrant workers who have been detained or are in the process of deportation.

119. The Human Rights and Migrant Care Unit of the National Migration Institute has taken steps to improve due process and guarantee respect for migrants' dignity and human rights. Foreign nationals who are to be interviewed and face administrative sanctions under the Act on the Protection of Honduran Migrants and Members of Their Families are provided with the necessary information on the proceedings in their own language, with the help of an interpreter if they so wish. No migrant workers have been deported; cases involving deportation are governed by article 89 of the Migration and Aliens Act and article 122 of its regulations.

120. Honduran consulates in Mexico and the United States provide consular protection for Honduran migrants detained in those countries, ensuring that their human rights are not violated prior to their deportation. Mexico applies a coordination mechanism on the transportation of migrants to be returned to Honduras by land.

Articles 25 to 30

121. The Ministry of Labour and Social Security and the National Migration Institute carry out inspections to monitor and ensure equal treatment for foreign migrant workers, especially in the agricultural, manufacturing and domestic service sectors.

122. In recognition of the need to promote the rights of migrant workers, their children have the right to a name, birth registration and a nationality. The National Registry of Persons Act and its regulations provide that any birth in the national territory to Honduran parents or to foreigners may be registered at any one of the civil registries operating in the country's 298 municipalities. Under article 53 of the Act, the same provision applies for registering a marriage or a death. All migrant workers and their families are thus catered for by the birth registration services, regardless of the parents' status at the time of the birth. Where a birth has not been registered within one year, as stipulated by the Act, this may be done free of charge in departmental civil registries, where a team of lawyers attached to the registry issue retroactive birth certificates.

123. To ensure that health needs are appropriately met, the Ministry of Health, working with the Scalabrinian Missionary Sisters, has established strategic alliances to address the health-care needs of deported persons appropriately. A clinic with two specialist doctors, with the necessary equipment and medicines, has been set up in the Centre for the Care of Returned Migrants, which is sent a deportee's medical files and history by the migrant detention centre in the United States, and a primary medical assessment of the deported migrant is made. The Ministry of Health is notified of diseases subject to epidemiological surveillance, such as tuberculosis, HIV and other communicable diseases, and patients are referred to a care centre. Out of a total of about 135 migrants deported by air, an average of 40 are treated every day and given the required assistance. Migrants who are vulnerable, suffer from chronic disease or have mental problems are immediately transferred to hospital for the treatment that they need.

Articles 31 to 33

124. Under Circular No. D-28/2015 of 10 September 2015, the Central Bank of Honduras adopted amendments to articles 3 and 4 of the regulations on foreign exchange market transactions. Under these amendments, foreign exchange received in Honduras in the form of family remittances may be paid in foreign currency or in lempiras, in the sum indicated in the original contract between the remittance company and the sender of the remittance at the rate of exchange applying in Honduras on the date of the contract.

125. The regulations also stipulate that, where the beneficiary of a remittance opts to take it in foreign currency, it must be paid through a deposit account in that currency in the name of the beneficiary at an authorized financial institution. Some banking institutions therefore already include savings accounts both in lempiras and in foreign currency in their portfolio of financial products and services, which are intended especially for beneficiaries of remittances throughout the country.

126. As for the measures adopted to facilitate the transfer of private funds, and in particular to reduce the cost of such transactions, these include, in accordance with the provisions of articles 55 and 56 of the Financial System Act, floating interest rates, tariffs and commissions paid to financial institutions for financial services rendered, depending on market performance. It is, however, important to note that some financial institutions are developing models that will allow financial users faster and cheaper access to their resources. These institutions include remittance companies authorized in Honduras, which are assessing the possibility of using a mobile telephone company as a platform for making remittance payments across the country.

127. United States dollars sent to Honduras by Honduran migrant workers are not taxed, on the basis of the provisions of article 4 (3) of Legislative Decree No. 25 of 1963, containing the Income Tax Act, which was amended under Legislative Decree No. 182-2012. The same provisions appear in article 9 (12) and (15) of the Public Security Act, contained in Decree No. 105-2011, and Decision No. 1775-2011, which contains the regulations of the Public Security Act and its amendments.

128. As for the measures adopted by the State to ensure that migrant workers and their families are entitled to transfer their personal effects and belongings, Honduras is governed by the provisions of article 586 (c) of the regulations of the Uniform Central American Customs Code and article 28 of the Revenue and Public Expenditure Efficiency Act, which was adopted under Legislative Decree No. 113-2011. These provide for exemption from customs duty on the import of household goods for people who have been out of the country for the 24 months preceding their definitive return. It may be noted that irregular migrants who return to Honduras do not usually have household goods or other personal articles.

129. Between 2000 and September 2015, the value of remittances sent by Honduran migrant workers ranged between US$ 440 million and US$ 2.77 billion, which represented between 6 per cent and 13.9 per cent of the country's gross domestic product (GDP) over the same period.[9]

130. The orderly migration programmes run by the Ministry of Labour and Social Security include an information workshop for workers prior to their departure, as part of the recruitment process. The aim of the workshop is to explain the legal conditions of a labour contract, with the associated rights and obligations, to provide general information on the customs and the weather conditions in the country of destination, to emphasize the importance of family roots and cultural values, to point out the risks of irregular migration and to make general recommendations on the journey and the workers' stay in the host country. The workshop is conducted with support, in the form of technical and logistical assistance, from cooperating agencies such as IOM and the embassies of the countries of destination.

131. The Government aims to prevent the migration of young Hondurans. Following an initiative of the United Nations Office in Honduras, working in cooperation with the Ministry of Labour and Social Security and the National Institute for Youth, therefore, it ran a programme between April 2009 and December 2013 entitled "Youth development through employment to overcome the challenges of migration". The programme, which was conducted in La Paz, Comayagua and Intibucá Departments, with support from the General Directorate of Employment of the Ministry of Labour and Social Security, focused on employment as the way to strengthen national policy on care for returned migrants. It also aimed to generate information systems with disaggregated data on migration and youth employment through the Employment Atlas, on the basis of 44 indicators, and the Youth Employment Plan, as an instrument of public policy focusing on a sector of the population that is prone to labour migration, in most cases irregular migration. Information and guidelines were issued, with case studies setting out experiences of irregular migration, including "Returning young migrant woman", "Young woman married to a migrant", "Returning young migrant man" and "Young son and daughter of a migrant". The programme also included a social and employment workshop on identity and roots, with a view to providing young people with guidance.

132. Support has been provided by a project to improve the administration of labour migration in Central America and the Dominican Republic, sponsored by the Department of

[9] Annex 9: Remittances sent by migrant workers to Honduras and their contribution to GDP. Central Bank of Honduras.

Human Resources and Skills Development Canada and implemented by IOM. The project was successful in improving the capacities of staff at the Ministry of Labour and Social Security to address issues relating to the management of labour migration between August and December 2013.

133. Migrant workers are entitled to full information in both the State of origin and the employing State and to expect that appropriate measures are in place to enable them to leave their country temporarily without repercussions for work permits, freedom of movement in the employing State or freedom of residence. The National Migration Institute has therefore set out the grounds on which a person may lose freedom of residence or a special residence permit in article 80 (3) of the regulations of the Migration and Aliens Act, which states "... if resident foreign nationals remain outside the country for more than 12 consecutive months without the permission of the National Migration Institute".

134. Under article 66 of the regulations of the Migration and Aliens Act, the National Migration Institute sets out the requirements that must be met for a special permanent residence permit by migrant workers or foreigners who enter Honduras with a view to engaging in paid activities for a period of more than three months in a post requiring qualified staff, in accordance with the requirements laid down in article 43 of the regulations. The natural or legal person requiring the services of a foreign national must submit an application containing a statement of the activity in which the foreign national will be engaged during his or her stay, evidence that the employer takes responsibility for the foreign worker's means of subsistence and the date of the foreign worker's departure from the country on the expiration of his or her permit. The employer must also notify the National Migration Institute of the termination of the employment relationship and provide a statement issued by the Ministry of Labour and Social Security attesting that the employer is in compliance with the provisions of labour law and the Honduran Constitution.

Part IV of the Convention

Articles 39 and 40

135. The Ministry of Human Rights, Justice, the Interior and Decentralization and the National Migration Institute are the bodies responsible for granting the corresponding residence permits, monitoring entry into and exit from the national territory and establishing the situation or status of migrants entering the country. There are no restrictions on freedom of movement anywhere in the national territory.

136. Article 504 of the Labour Code, amended by Legislative Decree No. 760 of 25 May 1979, states: "Foreign nationals shall enjoy the right to join any trade union in accordance with the relevant provisions of the Labour Code but shall not be eligible to hold executive positions." Such positions are thus reserved for Honduran nationals.

Article 41

137. The Constitution and the Elections and Political Organizations Act guarantee all Hondurans, whether resident within the country or abroad, the right to vote, the right to be elected and the right to stand for public office, it being established in articles 36 and 37 that all Hondurans aged 18 years or above have the right to (1) vote and be elected; (2) stand for public office; and (3) come together to form political parties and to join or leave them. Consequently, the Supreme Electoral Court has taken measures to enable Honduran migrant workers in the United States to register with the national electoral roll and to exercise their right to vote every four years.

138. Article 40 (3) and (4) of the Constitution lists the duties of Honduran citizens, including the duty to "exercise the right to vote and, except in the event of excuse or withdrawal with just cause, to perform the functions of publicly elected office".

139. Articles 44 to 50 of the Constitution govern the right to vote. Article 44 stipulates that voting is a right and a public function and article 45 states that any act prohibiting or restricting citizens' participation in national political life is punishable. Article 47 guarantees the existence and free functioning of political parties, in order to safeguard citizens' effective political participation.

140. Legislative Decree No. 44-2004 containing the Elections and Political Organizations Act develops these constitutional precepts, with the aim of guaranteeing citizens' electoral rights. In order for a citizen to be able to exercise the right to vote and stand for public office, he or she must be registered on the national electoral roll, the identity card being the essential document for that purpose, according to articles 43 and 44 of the Act.

141. Article 61 of the Elections and Political Organizations Act was amended pursuant to Legislative Decree No. 185-2007 to allow Honduran nationals residing abroad to exercise the right to vote from abroad in order to elect a president and presidential designates at general elections. Articles 103 and 104 of the Elections and Political Organizations Act guarantee equal opportunities for men and women and non-discrimination on the grounds of gender, belief, race or religion or on any other grounds. Article 130 of the Act allows citizens to stand for public office as independent candidates without any party political affiliation.

142. All Honduran nationals living in the country or abroad have the right to be elected to any public office, subject to compliance with the requirements set out in law and registration with the Supreme Electoral Court for all political parties, as stipulated in article 129 of the Elections and Political Organizations Act. Furthermore, under articles 130, 132 and 133 of the Act, independent candidates without any party political affiliation may register.

143. The Supreme Electoral Court and the National Registry Office worked together to expand the database of Honduran nationals registered to vote in the United States from 18,313 in 2009 to 46,331 in 2013. Another city, Atlanta, was added, which enabled Hondurans to cast their votes in seven cities.

144. To enable Hondurans to vote in the United States, the Supreme Electoral Court appoints local electoral boards made up of a representative and an alternate of each political party, in order to replicate in that country the monitoring and participation mechanisms of the political parties in Honduras. Each board is allocated an operational budget. The Supreme Electoral Court sends public officials to the cities in question to assist with and supervise work in voting centres. However, despite the efforts made, there has been no increase in the level of participation of citizens registered on the national electoral roll on election day.[10]

145. The Supreme Electoral Court adopted the following decisions with regard to the exercise of the right to vote by Honduran nationals resident abroad:

- Decision No. 043-2013 (V), of 14 October 2013, appointing the General Coordinator for Overseas Voting
- Decision No. 043-2013 (V), of 14 October 2013, setting up local electoral boards in Houston, Los Angeles, Miami, New Orleans, New York, Washington and Atlanta, distributing fairly by lot the posts of chair, secretary and spokesperson among the

[10] Annex 10: Political participation in the general elections between 2001 and 2013 by Honduran migrants in the United States of America. Supreme Electoral Court.

various political parties, alliances and independent candidates and appointing an additional representative and an alternate, should there be an even number of members of the local electoral boards, chosen by lot on a rotating basis from among the prospective candidates

- Decision No. 044-2013 (V), of 21 October 2013, recruiting staff for one month, from 1 to 30 November 2013, for the local electoral boards
- Decision No. 046-2013 (V), of 4 November 2013, authorizing the allocation of cash funds of US$ 1,200 per polling station or local board to meet operating costs
- Instructions issued to members of polling stations in the United States
- Publication of a guidebook for polling station staff.

146. Furthermore, in August 2011, the Supreme Electoral Court referred a bill on political and electoral participation to the National Congress. The bill was designed to strengthen the principles of participatory and representative democracy and encourage the education and training of citizens.

147. In conclusion, as a State party, Honduras has put in place the necessary legislative framework to render effective the right of migrant workers and their families to vote and to be elected, in cases where they reside abroad.

Article 44

148. Article 5 of the Act on the Protection of Honduran Migrants and Members of Their Families establishes measures for the protection of family life through the provision of appropriate assistance, protection and advice for Hondurans abroad, in particular those deprived of their liberty, hospitalized or in a situation of distress, children and adolescents, women, older persons, persons with disabilities and persons who have died abroad.

Part V of the Convention

Articles 58 and 59

149. The National Migration Institute reports that the El Salvador-Honduras pilot plan for regularization was set up in 2007 with the aim of regularizing the situation of border workers from both countries who travel from one country to the other to pick coffee beans.

150. In accordance with the provisions set forth in the Migration and Aliens Act and its implementing regulations, the Regional Handbook of Migration Procedures issued under the Central America-4 (CA-4) Border Control Agreement and other internal provisions adopted by the relevant authorities, the term "seasonal worker" is understood to mean any migrant worker whose work, by its very nature, depends on seasonal conditions and is carried out during only part of the year.

151. The migration control process functions as follows: in the case of foreign nationals from the neighbouring countries of Guatemala, El Salvador and Nicaragua, who come to carry out legal, paid, temporary border work, such as coffee-bean, sugar-cane and cocoa-bean harvesting and similar activities, officials of the National Migration Institute authorize their entry under the subcategory of "other" for an initial period of 30 to 90 days, in accordance with the provisions of article 8 (1), (6) and (24) of the Migration and Aliens Act and article 116 (2) of the implementing regulations of the Act.

152. Exit stamps issued by the migration authority of the country of origin or the most recent country of origin are needed only in special circumstances or when they are a

regulatory requirement for entry by order of the competent authority of the National Migration Institute under international migration procedures.

153. Foreign residents whose residence permits have expired do not lose their resident status. Migration officials can allow persons with expired permits to leave the country, on condition that they obtain the corresponding authorization from the competent authorities of the National Migration Institute and that they have good reason to do so, in accordance with the provisions of Section X (2) (5) of the CA-4 Regional Handbook of Migration Procedures and good practices under international humanitarian law.

154. As for the provisions of article 1 (c) of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the term "seafarer", which includes fishermen, is understood to mean any migrant worker employed on board a vessel registered in a State of which he or she is not a national.

155. In the case of foreign seafarers, migration officials must, as a part of their duties, carry out checks as laid down, in accordance with the legal precepts contained in the Migration and Aliens Act, the Convention on Facilitation of International Maritime Traffic of 1965 and its implementing regulations and the ILO Seafarers' Identity Documents Convention (Revised), 2003 (No. 185), together with all the United Nations instruments that are implemented by the International Maritime Organization. In view of the rights that they enjoy, the State is obliged to give seafarers special treatment, in order to facilitate international maritime traffic, avoid unnecessary delays affecting passenger and cargo vessels, harmonize procedures, formalities and documents and reduce to a minimum any amendments introduced for domestic reasons. The relevant provisions are article 3 (J) of the Official Vessel Reception and Dispatch Regulations for the Ports of the Republic of Honduras; article 8 (6) of the Migration and Aliens Act and articles 112 and 113 of its implementing regulations; and article 6 (4), (7), (8) and (9) of ILO Convention No. 185.

156. The following situations may arise with regard to seafarers:

- Passport not valid for Honduras: where a seafarer's passport is not valid for the 90 days or three months set out in article 113 of the implementing regulations of the Migration and Aliens Act, entry is not immediately denied; the migration official consults with the competent migration authority, which determines whether passage will be allowed or not, in accordance with the provisions of article 6 (1), (2), (4), (7), (8) and (9) of ILO Convention No. 185.

- A seafarer or a namesake flagged on a watch list: where a seafarer about to pass through or enter Honduran territory appears on a watch list maintained by the National Migration Institute, entry to or transit through the national territory is denied and the migration official immediately refuses entry at the port of entry, as stipulated in articles 81 (1) and 87 of the Migration and Aliens Act.

- A sick crewmember on board ship: where a crewmember of a ship or similar vessel falls ill in port, the migration official of that port allows entry for medical treatment, regardless of whether or not the seafarer complies with the requirements established by law. Authorization granted by the migration official is valid immediately and remains so until the seafarer recovers and can go on his or her way. Furthermore, in cases where there are grounds for the seafarer's continued temporary stay in the country and the legal requirements for migration are met, the migration official may authorize the temporary stay established by law under articles 8 (6) and 20 of the Migration and Aliens Act.

- Emergency seafarer disembarkation: where a crewmember of a vessel scheduled to dock in port or already at anchor has been notified of an emergency, such as the death of a loved one or some other circumstance deemed to be force majeure, the

migration official authorizes entry or transit to another migration port in Honduras, in order to allow the seafarer to continue his or her journey in accordance with articles 8 (6) and 20 of the Migration and Aliens Act.

- Natural disasters in port or on the high seas: in cases of natural disaster or forced evacuation, migration officials authorize the entry of all seafarers without delay and expeditiously carry out any operations relating to the exit of those persons to another country of destination, having notified the competent authority of the National Migration Institute, as stipulated in articles 8 (6) and 20 of the Migration and Aliens Act.
- Seafarers in conflict with the ship's captain: where seafarers find themselves in conflict with their captain for disciplinary reasons, owing to cessation of their activities or on any similar grounds, and who have been requested to disembark by the captain, the migration authority shall, where the case justifies it and where the seafarer is in agreement, authorize transit through or entry into the national territory. Should the ship's captain fail to provide justification for disembarkation or the seafarer not agree to the measure, the migration official will not allow disembarkation and the captain is obliged to carry the seafarer to the next port of destination, in accordance with article 6 of ILO Convention No. 185.
- Expired authorization papers: where a seafarer's authorization papers have expired, such expiry does not prevent transit or entry in accordance with the established procedures. In such a case, the migration official must establish, through an interview with and/or confirmation from the shipping agency, the captain of the ship or the Directorate General for the Merchant Marine, that the seafarer is able to carry out the activities related to his or her job, as regulated by article 6 of ILO Convention No. 185.
- Exit of Honduran seafarers: as well as submitting to migration controls, Honduran seafarers must observe the rules of the Ministry of Labour and Social Security by presenting to the migration authority at the port of exit the individual embarkation card issued by the Directorate General for Employment, in accordance with article 85 (2) of the Migration and Aliens Act.

157. The National Migration Institute and the Ministry of Labour and Social Security are coordinating action on the monitoring and regularization of migrant and cross-border workers in an irregular situation. The Migration and Aliens Act provides for the category of "cross-border workers" in its article 18 (8), which classifies them as non-resident foreign nationals who must apply for a special residence permit whenever the duration of their stay is more than 90 days.

158. The National Migration Institute is responsible for regularizing the migration situation of migrant workers on the basis of the classes and categories of migrant set out in articles 21 and 39 of the Migration and Aliens Act, provided that they apply for a work permit from the Ministry of Labour and Social Security.

159. As for measures guaranteeing the rights of seasonal workers, in particular migrant workers from Nicaragua working on coffee plantations in El Paraíso Department, the Ministry of Agriculture and Livestock reports that, when foreign workers come to work on the private estates in that area, an agreement is drawn up between the estate owner and the future employees, with the owner of the estate or the producer requesting the nearest migration office to issue work permits for the migrant workers that will allow them to enter the country to work on the estate in question. The Ministry of Labour and Social Security carries out inspections to ensure respect for the rights of such migrant workers. The situation is similar for migrant workers from El Salvador and Guatemala, who come to

Honduras on a temporary basis to work in agriculture, construction, manufacturing and other sectors.

Part VI of the Convention

Article 64

160. The National Migration Institute and the Migrant Children Task Force have carried out joint programmes and projects as part of the plan of the Alliance for Prosperity in the Northern Triangle, under which countries of transit are requested to guarantee that migrants enjoy their right to freedom of movement, health care and dignified treatment. The Central American Commission of Directors of Migration analyses the various migration scenarios currently unfolding in the region and concludes regional agreements, which are then put before various international bodies. Honduras also participates in the Regional Conference on Migration, at which measures in support of the human rights of migrants and their families are requested and agreed on.

161. In order to reintegrate returned migrants into their communities, an agreement was signed between the Association of Municipalities of Honduras and the Office of the President on 9 September 2014, with the aim of strengthening coordination and cooperation mechanisms that would facilitate the design and implementation of municipal agendas to provide comprehensive care for child and youth migrants in at least 38 of the country's municipalities.

162. The National Directorate for Persons of African Descent and Indigenous Peoples has engaged in various activities, such as a training course on migration, security and human rights, taught by migration experts in response to the migration crisis of unaccompanied minors, which was aimed at Garifuna communities with high rates of regular and irregular migration, and a workshop on risk, irregular migration and the exchange of information and experiences through outreach mechanisms such as community radio. It also constantly updates and disseminates information on the consequences of migration for the economy and its effect on family breakdown.

163. The Ministry of Security has designed a violence-prevention strategy focusing on migration. Violence carried out as a part of criminal activities is one of the main causes of displacement and repeatedly surfaces as one of the main reasons for the irregular migration of adults, young people and children, with a corresponding increase in the number of unaccompanied minors on the road north.

164. Displaced persons are extremely vulnerable as a result of the loss of physical protection and livelihood and their exposure to new risks when they try to find a safer home. Their vulnerability is increased by their invisibility; having been displaced by fear or direct persecution, they keep a low profile in order to avoid criminals, sometimes even deliberately forgoing access to basic services such as health care and education.

165. Irregular migration has increased: the number of migrants detained at the United States border who claim to fear for their lives in their country of origin has risen dramatically, from 5,369 in 2009 to 36,174 in 2013. El Salvador, Honduras, Guatemala and Mexico account for 70 per cent of that increase, according to United Nations data. In Honduras, between 2011 and 2012, an increase of 9,825 persons was recorded (Migration 2013).

166. As for the prevention of violence and its impact on migration by unaccompanied minors, the Government's violence-prevention strategy is based on the "Everyone for a Better Life" Plan and seeks to tackle both the primary and the secondary causes of the

migration of unaccompanied minors, and its effects, within a comprehensive framework of specifically designed programmes, projects and actions.

167. The Office of the Under-Secretary for Preventive Security is working to tackle the various factors that give rise to insecurity and violence by adopting an approach based on primary, secondary and tertiary prevention in order to improve security conditions in communities and ensure that minors are not forced to leave their homes and families because they lack opportunities.

168. The projects on which the Office is currently working in order to provide better support in this regard are set out in the "Everyone for a Better Life" Plan, which is described below.

Violence-reduction strategy

169. In Honduras, violence is concentrated in 38 municipalities, which account for over 70 per cent of homicides. Those 38 municipalities have been prioritized by the Government and the Ministry of Security under their violence-reduction strategy. At least 19 of the municipalities with the highest homicide rates are on the list of places of origin of unaccompanied child migrants. Consequently, a strategy focusing on those municipalities will have a significant effect in reducing the number of minors emigrating because of violence and a lack of access to basic services, education, the labour market and culture, among other factors.

170. The "Everyone for a Better Life" Plan sets out a model for action defining the various phases and elements that must be taken into account if the "Everyone for Peace" Plan is to succeed. One of the most significant challenges is to ensure that activities are sustainable and have a real impact on communities.

171. A pilot model for inter-agency activities in municipal areas that are hot spots for violence and crime will be launched in six of the country's municipalities, based on the methodology employed for the Safer Municipalities project, a project supported and sponsored by the Japan International Cooperation Agency, the Inter-American Development Bank, the World Bank, USAID and the United Nations Development Programme (UNDP). The Office of the Under-Secretary for Preventive Security plays a dual role in this intervention strategy: (a) to lay the foundations and assess the grass-roots context and (b) to provide support for the construction and design of the tool and the model for community empowerment. Both these roles will take the issue of child migrants into account, so that timely information can be obtained on why migration occurs, how to reduce the risk factors and how to raise awareness in order to stem migratory flows.

172. Juvenile justice procedures and alternative punishments providing rehabilitation and social reintegration measures for minors in conflict with the law are also priorities under this strategy, which would benefit from greater investment and more joint action.

Awareness-raising and information campaigns to discourage child and adolescent migration

173. It is important to highlight and raise awareness of violence prevention and the security situation and to educate and inform the public in that regard, thus bolstering previous efforts, and to obtain the trust and support of the population, particularly children and adolescents, so that they become more familiar with their rights. It is also essential to develop civic, moral and ethical values and principles and to tackle the problem of child migration.

174. These campaigns, which should be conducted both through the media and at the grass-roots level, will be designed to mitigate the risk factors that generate violence and

child migration. The focus will be on working directly with families, municipal or sectoral violence-prevention bodies, vulnerable groups, schools and other stakeholders, thus promoting community and civil society participation.

175. In 2015, with a view to preventing the irregular migration of Honduran children, the Directorate for Children, Adolescents and the Family developed an intersectoral and inter-agency project entitled "Strategic Comprehensive Care Programme for Honduran Migrant Children and Adolescents and Their Families 2015-2019", together with an Action Plan for the period 2016-2017, focusing on prevention, which contains modules, objectives and guidelines.

176. The National Migration Institute provided support to the Ministry of Education by coordinating the training process in 15 educational centres. The main issue addressed was the risks involved in irregular migration. The training was carried out during "No to Migration Month", which is celebrated in August of each year.

177. Moreover, under the leadership of the Ministry of Labour and Social Security, decent work creation forms a part of the social package on offer to Honduran migrants through the first electronic labour exchange of the Government of Honduras, known as Empleate, which can be accessed on the website www.empleate.gob.hn.

178. The Ministry of Security wishes to highlight the role played by the security forces in preventing irregular migration.

179. Special Tactical Operations Group: this is an elite unit of the National Police, which carries out secret missions targeting drug traffickers, gangs of kidnappers, traffickers in human organs, child-prostitution networks and other illegal groups posing a threat to national security. The Special Tactical Operations Group does not have a regional head and answers only to the Director General of the National Police, which means that there are no intermediaries with any knowledge of their operations. The Group's members, who are trained by special agents of the United States Border Patrol Tactical Unit, are equipped with cutting-edge technology, armoured cars, Scan Van vehicles fitted with X-ray machines, helmets with night-vision goggles, specialized weapons and bullet-proof vests.

180. Transnational Criminal Investigative Unit: set up four years ago and recently deployed on the streets, the Unit operates anonymously across the country, coordinating its operations with the specialized police forces of Central America and the United States and with the Office of the Prosecutor for Children and the Office of the Prosecutor for Organized Crime. The Unit maintains operational independence and reports direct to the Director General of the National Police. Officers of the Unit are assigned to detailed investigation work, an approach that has, for example, enabled them to identify routes used by criminal networks trafficking in drugs and persons throughout the country. Officers are equipped with AR-15 rifles with holographic sights, satellite-communications equipment, ceramic ballistic plate carriers with hydration packs (vests), night-vision goggles, special computers with solar chargers, global positioning systems, a ballistic fingerprint database, a register of criminal records and equipment for the detection of counterfeit money and false documents. The Unit also mans a monitoring post on the border with Guatemala.

181. Intelligence Troop and Special Security Response Groups: this body, although an independent body of the National Police, is attached to the Office of the President through the Ministry of Security. It began operations in September 2014 and undergoes continuous and rigorous monitoring and assessment, operating strictly in accordance with international standards. The Group works in a number of fields: criminal investigation, intelligence, information and communications technology, aerial and maritime combat, population and territorial monitoring, the fight against organized crime, drug trafficking, unlawful association and training in preventive security at the grass-roots level. In carrying out its special missions, the Group works in coordination with judges and prosecutors. Its

organizational structure is based on the ranking order of its members and, within those ranks, the number of years that they have served. Its members are attached to the battalions stationed closest to population centres such as Tegucigalpa and San Pedro Sula and can deploy to high-risk security areas. Rank and promotion are governed by the Armed Forces Act, which is contained in Legislative Decree No. 39-2001.

Article 67

182. The voluntary return of migrant workers from Spain is the responsibility of the employer, who coordinates with the worker as to his or her date and route of return and notifies the Ministry of Labour and Social Security of the worker's date of arrival. In the case of Canada, voluntary return, resettlement and reintegration into the State party is jointly coordinated by IOM and the Honduran diplomatic staff in Canada.

183. One component of the programme for the reintegration of irregular migrant workers into the economic life of the country of origin depends on the availability of places in a Centre for the Care of Returned Migrants, which is determined through an electronic module that directs the persons concerned to the National Employment Service through Empleate, a national employment platform that matches available jobs to returning migrants' experiences, capacities and skills.

184. Measures have been taken to promote the reintegration of child migrants. In 2014, work began on the Protocol on the Care, Repatriation, Reception and Follow-up of Child Migrants,[11] which forms part of an inter-agency approach to promote joint responsibility for the follow-up and reintegration of children at the local level. Currently, in application of the principle of the best interests of the child, reception of child migrants takes place only in San Pedro Sula, because that is the location of the only centre meeting the requirements of the Directorate for Children, Adolescents and the Family, the El Edén Reception and Referral Centre. In addition to the Protocol, guidelines on caring for child migrant victims of violence are being followed.

185. States parties that have ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families are directly bound by that instrument and must adopt as a matter of urgency all immediate and effective measures to protect children from all forms of labour exploitation and abuse, and in particular from the worst forms of hazardous child labour. Honduras has harmonized its domestic legal order with the Convention, introducing specific legislation on the adoption of special measures. The Directorate for Children, Adolescents and the Family is the body responsible for providing immediate protection to Honduran and foreign child migrants.

186. Consulates and consular posts provide assistance to child migrants through regular visits to centres and shelters for minors to ensure that children's rights and best interests are respected.

Article 68

187. With a view to counteracting misleading information about migration and raising public awareness, the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons is leading the development of a comprehensive mass campaign to explain the difference between the smuggling of migrants and the trafficking of persons and to prevent such acts being committed. The campaign aims to raise awareness among the general public of the risks involved, particularly for irregular migrants, and to contribute to the understanding and prevention of those dangers. Similar radio and television campaigns are being sponsored for 2015 by USAID. The target

[11] Annex 11: Protocol on the Care, Repatriation, Reception and Follow-up of Child Migrants.

audience for these campaigns includes children aged between 12 and 18 years, public school students, people under the age of 20 years, and adults passing through borders, internal checkpoints, seaports and airports around the country. Training has been given to 38 officials from bodies including the National Migration Institute and the Executive Directorate of Revenue.

188. The introductory stage of the training includes a 10-minute talk for individuals responsible for migrant children and adolescents. The talk is intended to prevent recurrence and covers issues including the rights of children and migrants, the deceitful practices employed by people smugglers and the risks of irregular migration.

189. The measures adopted by the Directorate for Children, Adolescents and the Family for the social rehabilitation of migrant children include the monitoring of their reintegration into the formal education system.

190. In September 2014, the Ministry for Human Rights, Justice, the Interior and Decentralization allocated a budget of 2,045,000 lempiras to the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons. This sum paid for an office and a team of professionals to implement the work of the Commission. The Office for the Administration of Seized Assets provided 1,237,806.17 lempiras for prevention, victim support and prosecution of crimes for a one-year period from September 2014. Of that amount, 30 per cent was allocated to victim support under a cooperation agreement with Casa Alianza of Honduras, which, during that 12-month period, supported an average of 20 victims per month under its Querubines (Cherubs) programme.

191. The Rapid Response Team was created to collect information that would help bring people traffickers to justice. The Team's functions include the identification and certification of victims. This work must be coordinated with the competent bodies and referrals made on a case-by-case basis. The Rapid Response Team, which is currently being strengthened, comprises officials from the Public Prosecution Service, the Ministry of Security, the Ministry of Foreign Affairs and International Cooperation and the Ministry for Human Rights, Justice, the Interior and Decentralization, acting through the National Migration Institute, the Directorate for Children, Adolescents and the Family, the National Institute for Women and civil society organizations providing victim support programmes. In the first quarter of 2015, the structure of the Plenary Committee of the Inter-Agency Commission for the Prevention of Commercial Sexual Exploitation and Trafficking in Persons was agreed with the bodies directly and indirectly involved in prevention, victim support and prosecution of the offences of commercial sexual exploitation and trafficking. The institutional authorities named two representatives, one full member and one alternate. There are 38 bodies represented on the Committee, including government institutions, private companies, civil society organizations and the Association of Honduran Municipalities.

192. To address the problem at the local level, 18 local committees have been sworn in around the country, in La Ceiba (Atlántida Department), Ruinas de Copán and Santa Rosa de Copán (Copán Department), Choluteca (Choluteca Department), Trujillo (Colón Department), Comayagua (Comayagua Department), Choloma, Omoa, Puerto Cortés and Potrerillos (Cortés Department), Danlí (El Paraíso Department), La Esperanza (Intibucá Department), Roatán (Islas de la Bahía Department), Gracias (Lempira Department), Nueva Ocotepeque (Ocotepeque Department), Goascorán (Valle Department) and El Progreso and Yoro (Yoro Department).

Article 69

193. The measures adopted to enable irregular migrant workers and their families in Honduras to regularize their situation, in accordance with the provisions of article 69 of the International Convention on the Protection of the Rights of All Migrant Workers and

Members of Their Families, are set out in the Migration and Aliens Act,[12] article 21 (Residence) and article 39 (4) (Special permission to reside). Individuals must apply to the Ministry of Labour and Social Security for the relevant permit.

Part II

194. A number of laws, with their respective regulations, on the protection of migrant workers and their families have been adopted: the Migration and Aliens Act, and its regulations, established by Legislative Decree No. 208-2003; the Labour Code, Decree No. 189 of 1959; the Organic Act on the National Police, Decree No. 67-2008; the Work Permit Act, Decree No. 110 of 1 November 1966, which regulates foreign nationals working in Honduras; and the Special Regime for the legal migration of Honduran workers in the agricultural sector in the United States of America and other countries, established by Legislative Decree No. 69-2010 of 11 June 2010. The Decree provides for coordination between the National Industry Association and the Ministry of Labour and Social Security in the recruitment of migrants. This initiative was the result of a formal request by the San Joaquin Farm Bureau Federation in California, whose members wished to employ Honduran workers in their businesses. Other measures include the Act on the Protection of Honduran Migrants and Members of Their Families, and its regulations; the establishment of the Inter-Agency Commission for the Protection of Persons Displaced by Violence, pursuant to Executive Decree No. PCM-053-2013, published in Official Gazette No. 33,288 of 26 November 2013; the National Policy on Migrants, adopted under Executive Decree No. PCM-002-2008, published in Official Gazette No. 31,545 of 27 February 2008; the Trafficking in Persons Act, adopted under Legislative Decree No. 59-2012, published in Official Gazette No. 32,865 of 6 July 2012; the Code on Children and Adolescents, Decree No. 73-96, published in Official Gazette No. 28,053 of 5 July 1996; the National Policy on Prevention of Violence against Children and Young People, adopted under Executive Decree No. PCM-011-2013, published in Official Gazette No. 33,078 of 18 March 2013; and the Act on Equal Opportunities for Women, adopted under Legislative Decree No. 34-2000, published in Official Gazette No. 29,177 of 22 May 2000.

195. The agencies tasked with the protection of migrant workers and their families are the National Migration Institute; the Ministry of Labour and Social Security; the Ministry of Security; the Ministry of Foreign Affairs and International Cooperation; the Ministry of Human Rights, Justice, the Interior and Decentralization; the Directorate for Children, Adolescents and the Family; the Office of the National Commissioner for Human Rights; and the Public Prosecution Service.

196. The following conventions on the protection of migrants have been ratified: ILO Seafarers' Identity Documents Convention, 1958 (No. 108), ratified on 20 June, 1960; ILO Discrimination (Employment and Occupation) Convention, 1958 (No. 111), ratified on 20 June, 1960; ILO Employment Policy Convention, 1964 (No. 122), ratified on 9 June, 1980; and the Convention relating to the Status of Refugees, of which Honduras has been a State party since 23 March, 1992.

197. Notable among wide-ranging studies recently carried out on the situation of migrant workers and their families is one entitled "Labour Migration Policies: Tools and Best Practices", published as part of the Regional Labour Mobility project. Implemented between January and June 2010 by Costa Rica, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama, the project aimed to build capacity in the management of labour migration in countries of origin and destination in Latin America through the creation of legal migration channels that would safeguard migrants' rights.

[12] Annex 12: Migration and Aliens Act, Decree No. 208-2003.

198. A study entitled "Intraregional Labour Migration Flows: Current situation, challenges and opportunities in Central America and the Dominican Republic: Honduras Report", conducted in June 2012, was funded by ILO, the Central American Educational and Cultural Coordination System/Central American Integration System, IOM and the Ministry of Labour and Social Security. The aim of the report was to identify and describe intraregional socioeconomic and labour conditions and their social, economic, institutional, cultural and labour implications, both for countries of origin and destination and for the people that constitute the various migration flows. It also examined the main characteristics of the various forms of migration by Honduran workers to other Central American countries and the legal and institutional frameworks within which migration flows occurred.

Part III

Data, official estimates, statistics and other available information

199. The National Centre for Information on the Social Sector,[13] a unit within the Office of the President, keeps statistics that provide an in-depth understanding of the migration patterns of adults, children and adolescents, disaggregated by department, municipality, age, level of schooling, reason for migration, place of arrival, country of detention and return, accompanied or unaccompanied travel, and labour, health and economic status.[14]

---

[13] Annex 13: Statistical Report on Persons Repatriated or Returned to Honduras, 2015. National Centre for Information on the Social Sector.

[14] Annex 14: Report of the National Centre for Information on the Social Sector. Comprehensive Index on Care for Returned and Repatriated Migrants.